

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

CORNELL STUBBS

PLAINTIFF

v.

CAUSE NO. 1:21CV381-LG-RPM

UNKNOWN JORDAN, ET AL.

DEFENDANTS

ORDER OF DISMISSAL WITHOUT PREJUDICE

THIS MATTER IS BEFORE THE COURT pursuant to the [12] Order to Show Cause entered by United States Magistrate Judge Robert P. Myers, Jr. When he filed this Section 1983 lawsuit, pro se plaintiff Cornell Stubbs was incarcerated at the South Mississippi Correctional Institution. A search of the Mississippi Department of Corrections website reveals that Stubbs has since been released from custody. Stubbs has not provided his new address to the Court. Judge Myers ordered Stubbs to show cause on or before June 16, 2022, why this lawsuit should not be dismissed for failure to timely serve process. Stubbs did not file a response to the Order to Show Cause, and the copy of the Order mailed to Stubbs at his last known address was returned as undeliverable.

Fed. R. Civ. P. 4(m) provides, “If a defendant is not served within 90 days after the complaint is filed, the court — on motion or on its own after notice to the plaintiff — must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” This lawsuit was filed on November 29, 2021. On February 22, 2022, after Stubbs abandoned his motion to proceed in forma pauperis and paid the filing fee, the Court mailed a Memorandum

in an attempt to notify him of his responsibility to serve process. This Memorandum also contained instructions on how to serve process. More than ninety days have passed, and Stubbs has not demonstrated that he served the defendants with process. Therefore, Stubbs' claims are dismissed without prejudice for failure to timely serve process.

IT IS, THEREFORE, ORDERED AND ADJUDGED that this lawsuit is hereby **DISMISSED WITHOUT PREJUDICE** for failure to timely serve process.

SO ORDERED AND ADJUDGED this the 22nd day of June, 2022.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE